

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-16 remain pending, wherein it is proposed to amend claims 1, 2, 4, 7, 8, 11, 13 and 14. Entry of these amendments is appropriate after the final rejection since it is respectfully submitted that the finality of the March 28, 2003 Office Action is improper. Alternatively, entry of these amendments is appropriate because they place the application in immediate condition for allowance. Support for the amendments to the claims can be found at least in Figures 1 and 2 of the present application.

Attached herewith is a Petition to Withdraw Finality in which it is respectfully submitted that the March 28, 2003 Office Action was improperly made final. Consideration of that petition and withdrawal of the finality of the March 28, 2003 Office Action are respectfully requested.

In the first paragraph of the Office Action, claims 1-16 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,529,602 to Walker et al. ("Walker"). This ground of rejection is respectfully traversed.

Walker does not anticipate Applicants' claim 1 because Walker does not disclose all of the elements of Applicants' claim 1. Specifically, Walker does not disclose first and second telecommunication devices performing the steps recited in Applicants' claim 1. Moreover, Walker does not disclose that "the first and second telecommunication devices each comprise a speaker and a microphone" as recited in Applicants' claim 1.

Walker discloses a method and apparatus for secure storage of audio signals. The Background section of Walker discusses the deficiencies of conventional techniques for

recording conversations. Specifically, this section of Walker describes that telephone answering machines and tape recorders can have their recorded contents easily deleted or altered, and time stamps of these recordings can be altered. In view of these deficiencies, Walker discloses the use of an audio vault 12 for recording telephone conversations between Party 13 and Party 14. Party 13 and Party 14 connect to the audio vault 12 via telephone lines, a computer network or the Internet.

To reject Applicants' claim 1, the Office Action asserts that the combination of audio vault 12 and Party 13 correspond to Applicants' first telecommunication device. It is respectfully submitted that this interpretation of Applicants' first telecommunication device is improper. M.P.E.P. § 2111, citing In re Hyatt, 211 F.3d 1367, 54 USPQ.2d 1664, 1667 (Fed. Cir. 2000) states that "[d]uring patent examination, the pending claims must be given their broadest reasonable interpretation *consistent with the specification*." (Emphasis added). This section of the M.P.E.P., citing In re Cortright, 165 F.3d 1353, 1359, 4905 USPQ2d 1464, 1468 (Fed. Cir. 1999), also states that "[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach."

Applicants' specification, at page 8, lines 10-15, provides examples of telecommunications devices including a GSM phone, a Bluetooth™ device, other types of radio communications devices and stationary telephones. In contrast to the telecommunication devices described in Applicants' specification, Walker discloses that Party 13 and Party 14 are distinct elements from audio vault 12. This is evident from the fact that Walker discloses Party 13 and Party 14 being connected to audio vault 12 through

telephone connections 15 and 16, respectively. Accordingly, it is respectfully submitted that the assertion in the Office Action that Party 13 and audio vault 12 correspond to the first telecommunication device of Applicants' claim 1 is improper because such an interpretation is not consistent with Applicants' specification.

Additionally, in view of Walker's discussion that prior art answering machines and tape recorders would be easily tampered with, and Walker's disclosure of an audio vault which is distinct from the parties to the conversation, it is respectfully submitted that one of ordinary skill in the art would not consider Party 13 and audio vault 12 to be the same as the telecommunication device recited in Applicants' claim 1.

Furthermore, it is respectfully submitted that an interpretation that Party 13 or that audio vault 12 by themselves corresponds to Applicants' first telecommunication device would not result in the disclosure of Walker anticipating Applicants' claim 1. For example, Party 13 does not send a message requesting authorisation for recording a telephone conversation as recited in Applicants' claim 1. Moreover, audio vault 12 does not include a speaker and a microphone as recited in Applicants' claim 1. Since the Office Action's interpretation of the telecommunication device recited in Applicants' claim 1 is not consistent with Applicants' specification and is not consistent with an interpretation that those skilled in the art would reach it is respectfully submitted that the rejection of this claim by Walker is improper.

Claims 3 and 5-7 variously depend from applicants' claim 1, and are, therefore, not anticipated by Walker for at least those reasons stated above with regard to Applicants' claim 1.

Independent claims 2, 8, 13 and 14 recite similar elements to those discussed above with regard to applicants' claim 1, and hence, are not anticipated by Walker for similar reasons to those discussed above with regard to Applicants' claim 1. Claims 9-12 variously depend from Applicants' claim 8, and are, therefore, not anticipated by Walker for at least those reasons stated above with regard to Applicants' claim 8. Applicants' claims 15 and 16 depend from Applicants' claim 14, and are, therefore, not anticipated by Walker for at least those reasons stated above with regard to Applicants' claim 14.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-16 as allegedly being anticipated by Walker be withdrawn.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

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